

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JODY JOHNSON, *et al.*,

Plaintiffs,

vs.

Civ. No. 99-00348 MV/WWD-ACE

CITY OF HOBBS, a municipality,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Defendant City of Hobbs' Motion to Strike Plaintiff's Notice of Recently Obtained Evidence Supporting the Allegations Raised in Plaintiff's Motion for Sanctions and Further Relief to Obtain Compliance with the Stipulated Agreement and In Plaintiff Lamond Alexander's Motion for Sanctions and Further Relief, filed April 23, 2004, [Doc. No. 177], Plaintiffs' Expedited Motion to Ratify Use of Document as Exhibit in Pending Motion, filed April 29, 2004, [Doc. No. 182], and Defendant City of Hobbs' Motion to Strike Plaintiff's Notice of Recently Obtained Evidence Supporting Allegations Raised in Plaintiffs' Motion for Sanctions and Further Relief to Obtain Compliance Filed April 26, 2004, filed April 28, 2004, [Doc. No. 181]. Defendant objects to the filing by Plaintiffs of additional evidence in support of their motion on the grounds that the filing of such evidence is not authorized by the Federal Rules of Civil Procedure and because one of the exhibits was filed in contravention of a protective order in another case. On June 14, 2004, the Court issued a Memorandum Opinion and Order granting in part Plaintiffs and the Class of All African-American Residents of Hobbs for Sanctions and Further Relief to Obtain Compliance with the Stipulated Agreement. The

additional evidence submitted by Plaintiffs, to which Defendant was unable to provide a response, was not considered by the Court in ruling on Plaintiffs' motion, and, even if it had been, would not have altered the conclusions reached by the Court.

IT IS THEREFORE ORDERED that Defendant City of Hobbs' Motion to Strike Plaintiff's Notice of Recently Obtained Evidence Supporting the Allegations Raised in Plaintiff's Motion for Sanctions and Further Relief to Obtain Compliance with the Stipulated Agreement and In Plaintiff Lamond Alexander's Motion for Sanctions and Further Relief, filed April 23, 2004, [Doc. No. 177], Plaintiffs' Expedited Motion to Ratify Use of Document as Exhibit in Pending Motion, filed April 29, 2004, [Doc. No. 182], and Defendant City of Hobbs' Motion to Strike Plaintiff's Notice of Recently Obtained Evidence Supporting Allegations Raised in Plaintiffs' Motion for Sanctions and Further Relief to Obtain Compliance Filed April 26, 2004, filed April 28, 2004, [Doc. No. 181] are hereby **DENIED** as moot.

Dated this 14th day of June, 2004.



MARTHA A. AZQUEZ
U. S. DISTRICT COURT JUDGE

Attorney for Plaintiffs:

Richard Rosenstock, Esq.
Daniel Yohalem, Esq.

Attorney for Defendant:

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